



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,913	07/24/2000	Brian Reistad	109671.117	5562

25094 7590 03/12/2004

GRAY, CARY, WARE & FREIDENRICH LLP
1221 SOUTH MOPAC EXPRESSWAY
SUITE 400
AUSTIN, TX 78746-6875

EXAMINER

JEAN, FRANTZ B

ART UNIT PAPER NUMBER

2151

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,913

Applicant(s)

REISTAD ET AL.

Examiner

Frantz B. Jean

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The revocation and power of attorney received on 02/13/03 has been entered.

Claim 4 is objected to for reciting "including" instead of —consisting of—correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozzie et al. (hereinafter Ozzie) patent No. 6,446,113.

As per claim 1, Ozzie teaches a system for facilitating communication comprising: One or more programs for communicating with a participant (fig 3) col. 9 lines 59-67); each program including a plurality of instructions including a first instruction for sending a communication (direct a request col. 9 line 64) to a participant and a second instruction for awaiting a response from the participant (server responds to the request col. 9 lines 65-66); an engine for executing the programs, the engine being able to process simultaneously a plurality of

Art Unit: 2151

instances of each of the program (see col. 10 lines 1-15; col. 11 lines 15-34); a database system for storing data regarding each instance of the program that has yet completed and for storing data regarding each participant with whom the program are communicating (fig 5 element 510, memory that keeps member record); a monitoring interface for providing to a user of the system information about the execution of the programs (501, fig 5).

As per claims 2-3, Ozzie teaches a user interface for creating programs (514, fig 5).

As per claims 4, Ozzie teaches the step of running state (activity) (col. 5 lines 48 et seq).

As per claims 5-6, 8, Ozzie discloses a table 320 for maintaining entries (see col. 10 lines 47-56).

As per claim 7, Ozzie discloses a pause state (temporary disconnection and reconnection col. 10 lines 18-22).

As per claim 9, Ozzie teaches an alert indicator an event notification (col. 9 lines 29-34).

As per claims 10-11, Ozzie teaches adjusting a user-selectable parameter and adjusting value for shape-specific parameters (updating a display) col 9 lines 36-48.

As per claims 12-16, Ozzie teaches a method for facilitating communications (see fig 3-6), comprising the steps of: preparing graphical representations of one or more programs for communicating with a participant

Art Unit: 2151

over a network and converting each graphical representations into an executable program (col. 11 lines 35 et seq); simultaneously maintaining a plurality of instances and at least once for each instance of each of the program (col 10 1-15; col. 11 lines 15-34); sending an electronic communication (direct request col 9 line 64); pausing execution of the instance of the program and resuming execution of the program following the occurrence of a specified event (temporary disconnection and reconnection col. 10 lines 18-22).

Conclusion

Logan et al. is directed to interactive system for authoring Hypertext document collections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 703 305 3970. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on 703 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz B. Jean
FBJ/



FRANTZ B. JEAN
PRIMARY EXAMINER